

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No.: SDWA-08-2002-45

In the Matter of:)	
)	
Journey Operating, LLC)	CONSENT AGREEMENT
)	
Respondent.)	

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Journey Operating, LLC. (Respondent), by their undersigned representatives, hereby consent and agree as follows:

1. EPA issued to Respondent a Proposed Administrative Order and Opportunity to Request a Hearing (PAO) filed on September 30, 2002, pursuant to Section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c).

2. The PAO alleged that Respondent violated the SDWA when in December, 2001, it failed to comply with its EPA-issued Underground Injection Control Permit MT2046-00056 by injecting its SWD D01 SWD well (located in the NE 1/4 of the SW 1/4 of Section 28 Township 30 North; Range 50 East in Roosevelt County Montana) over the permit's maximum allowable pressure.

3. To resolve this matter, the parties agree to a settlement requiring the payment by Respondent of a civil penalty in the amount of five thousand dollars (\$5,000.00). EPA finds this penalty amount is reasonable, taking into consideration the statutory factors in Section 1423(c) (4) (B) of the Act.

4. Respondent admits that EPA has the jurisdictional authority to issue the PAO and settle this case pursuant to this Consent Agreement, and also admits the remaining allegations, including the findings and alleged violations.

5. This Order on Consent applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets of real or personal property shall not alter Respondent's responsibilities under this agreement.

6. This Consent Agreement contains all the terms of the settlement agreed to by the parties.

7. Respondent consents and agrees that not more than 30 (thirty) days after the date of the signed Final Order in this matter, Respondent shall submit a cashier's or certified check in the amount of \$5,000.00, payable to "Treasurer, United States of America" to:

EPA - Region 8
Regional Hearing Clerk
Post Office Box 360859
Pittsburgh, Pennsylvania 15251.

The check shall reference the Respondent's name and facility address and the EPA Docket Number of this action.

8. Copies of the check identified in Paragraph 7 shall be mailed to the following addresses:

Judy Binegar-Wilson, 8ENF-T
U.S. EPA, Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

and

Regional Hearing Clerk, 8RC
U.S. EPA Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466.

9. Respondent further agrees and consents that if Respondent fails to pay the penalty in accordance to the terms of Paragraphs 7 & 8, above, the full penalty amount proposed in the PAO (eight thousand one hundred eighty six dollars (\$8,186.00)) plus 3% interest, but minus payments made, if any, shall become due and owing by Respondent. A late payment charge of fifteen dollars (\$15.00) shall be imposed after the first 30 days that the payment, or any portion thereof, is overdue, with an additional charge of fifteen dollars (\$15.00) imposed for each subsequent 30-day period until the payment due is made.

10. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with the SDWA and its implementing regulations.

11. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.

12. Nothing in this Consent Agreement shall be construed as a waiver by the EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Agreement.

13. The undersigned representative of Respondent certifies that he is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to those terms and conditions.

14. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a Final Order.

15. Each party shall bear its own costs and attorneys fees in connection with this matter.

16. This Consent Agreement, upon incorporation into a Final Order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the PAO.

Journey Operating, LLC.

Date: 11/14/02 By: SIGNED

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Date: 12/4/02 By: SIGNED

Connally E. Mears
Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Date: 12/3/02 By: Michael T. Risner for/

David J. Janik
Supervisory Enforcement Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **JOURNEY OPERATING, LLC**, **DOCKET NO.; SDWA-08-2002-45** was filed with the Regional Hearing Clerk on December 10, 2002.

Further, the undersigned certifies that a true and correct copy of the document was delivered to James Eppers, Enforcement Attorney, U.S. EPA - Region VIII, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Brian A. Baer, President
Journey Operating, LLC
1201 Louisiana Street, Suite 1040
Houston, TX 77002

December 10, 2002

SIGNED _____

Tina Artemis
Regional Hearing Clerk

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON DECEMBER 10, 2002.